

H.J. No. 39 (Comm) RESOLUTION CONFIRMING THE DECISION
OF THE CLAIMS COMMISSIONER TO DENY THE CLAIM
AGAINST THE STATE OF LUIS BAEZ

STATEMENT OF THE CLAIMANT LUIS BAEZ

My name is Luis Baez and I came here today to request permission to sue for personal injuries which I sustained when I fell approximately 11 feet off of a ladder while performing an assignment in a shop class at Bullard Havens Technical High School. The school was converting one of its classrooms to a career center and was using shop students to wire the room for internet access. I was seventeen years old at the time of the accident and the teacher had left the classroom unattended while I was working on the ladder despite the fact that the faculty handbook says in bold that students should never be left unsupervised.

Some of the ceiling tiles in the classroom had been removed and my assignment was to connect 24 data wires to a router box that was up in the ceiling. The box was about six inches above the hole for one of the ceiling tiles and the data lines were several feet away in an adjacent hole. The ladder was positioned directly below the router box. My assignment was to ascend the ladder and then reach over and grab the data wires so I could bring them over to the box and plug them in. As I was reaching for one of the wires the ladder slipped out from under me and I fell to the ground. The injuries which I sustained included a fractured skull, a partial loss of hearing in my right ear, a fractured clavicle, fractures of my first, sixth and seventh ribs and a fracture of one of the vertebrae in my back.

At the hearing before the Claims Commissioner my teacher, Mr. Gerald Sobulefsky, readily admitted that I was given an 8-foot ladder for the job even though a 10-foot ladder would have been more stable and safer for the work that I had been instructed to do. He also admitted that he knew that I was going to have to reach over sideways to the adjacent ceiling hole to get the wires and that he neglected to tell me that the safer way to

do it would be to grab the wires while I was still at the bottom of the ladder and bring them up with me. Instead, Mr. Sobulefsky turned and left the room when he saw me starting to ascend the ladder even though he knew I was going to have to reach for the data wires once I got to the top. Another shop teacher who testified at the hearing admitted that if he had been in the classroom and saw that I had to reach for the wires he would have instructed me as to the safer way to do the job.

There was testimony at the hearing that when I had been instructed in ladder safety several years prior to the accident I had been told not to let my belt buckle cross the ladder rails when reaching for something while on a ladder. The Claims Commissioner denied my claim on the ground that it was my own action of reaching beyond the ladder rails to get the data lines that caused me to fall.

Even if I did reach beyond the ladder rails, it was because I had to in order to perform the assignment in the manner in which I had been instructed by Mr. Sobulefsky on the 8-foot ladder which he had given me. Mr. Sobulesfky was my teacher and he should have instructed me as to the safer way to do the job and provided me with the safest ladder available. Rather than doing so, he turned and left the classroom unsupervised just as he saw me starting up the ladder even though he knew that a 10-foot ladder would have been more stable for the job and he knew that I was going to have to reach for the wires at a height of some eleven feet once I got to the top.

During the course of the hearing Mr. Sobulefsky repeatedly testified that I was a "solid model A student" who was a leader and example for other students. If Mr. Sobulesfky had given me proper safety instructions, I certainly would have followed them and brought the wires up with me. I was performing the assignment in exactly the way I had been instructed to on the day of the accident. In failing to provide me with adequate instructions, adequate supervision and adequate equipment, my teacher subjected me to imminent harm.

I believe that my claim is clearly a just one and since I am only allotted a brief time to speak here I would ask that you review the post hearing memorandum which was submitted on my behalf before confirming the commissioner's decision to deny my claim.